

## **EXHIBIT 4**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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03-MDL-1570 (GBD)(SN)

In Re:

TERROR ATTACKS ON  
SEPTEMBER 11, 2001**SUDAN NOTICE  
OF AMENDMENT**

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This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN)  
*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN)  
*York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN)

Plaintiffs file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, ECF No. 3237, as permitted and approved by the Court's Order of December 1, 2020, ECF No. 6547. Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the "New Plaintiffs") as plaintiffs raising claims against the Republic of the Sudan. The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand, as indicated below, of (a) the Consolidated Amended Complaint as to the Republic of the Sudan ("SCAC"), ECF No. 6539, or (b) the *Ashton* Amended Complaint as to Sudan Defendant in *Ashton v. the Republic of the Sudan*, No. 02-cv-6977, ECF No. 6537 (in 03-md-1570)(hereinafter, the "*Ashton* Sudan Amended Complaint"), as well as all causes of action specified below. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint. This Notice of Amendment relates solely to the Republic of Sudan and not apply to any other defendant.

Upon filing this Sudan Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as

specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

## CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

- Consolidated Amended Complaint as to the Republic of the Sudan (“SCAC”), ECF N. 6539 (check all causes of action that apply):**
  - COUNT I – Claims under Section 1605A(c) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>1</sup>
  - COUNT II – Claims under Sections 1605A(d) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(d), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>2</sup>
  - COUNT III – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA), on behalf of all “U.S. National” Plaintiffs.<sup>3</sup>
  - COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(a), on behalf of all “U.S. National” Plaintiffs.

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<sup>1</sup> Section 1605A of the Foreign Sovereign Immunities Act grants a right of action to (1) nationals of the United States, (2) members of the armed forces, (3) employees of the U.S. government (including individuals performing a contract awarded by the U.S. government) acting within the scope of employment, and legal representatives of persons described in (1), (2), or (3).

<sup>2</sup> See preceding footnote.

<sup>3</sup> The causes of action pursuant to the ATA, 18 U.S.C. § 2331 et seq., are asserted on behalf of Plaintiffs who are U.S. Nationals; estates, heirs, and survivors of U.S. Nationals; U.S. Nationals who are members of a putative class represented by such Plaintiffs; Plaintiffs who are subrogated to the rights of U.S. Nationals who incurred physical injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks. The term “U.S. National Plaintiffs” in the context claims under JASTA or the ATA refers to all such parties.

- COUNT V – Committing actions of international terrorism in violation of 18 U.S.C. § 2333, on behalf of all “U.S. National” Plaintiffs.<sup>4</sup>
- COUNT VI – Wrongful death, on behalf of all Plaintiffs bringing Wrongful Death claim.
- COUNT VII – Negligence, on behalf of all Plaintiffs.
- COUNT VIII – Survival, on behalf of all Plaintiffs bring wrongful death claims.
- COUNT IX – Alien Tort Claims Act, on behalf of all Alien National Plaintiffs.<sup>5</sup>
- COUNT X – Assault and Battery, on behalf of all Plaintiffs bringing wrongful death and personal injury claims.
- COUNT XI – Conspiracy, on behalf of all Plaintiffs.
- COUNT XII – Negligent and/or intentional infliction of emotional distress on behalf of all Plaintiffs.
- COUNT XIV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Supervising Employees and Agents, on behalf of all Plaintiffs.
- COUNT XV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents, on behalf of all Plaintiffs.
- COUNT XVI – 18 U.S.C. § 1962(a)-(d) – Civil RICO, on behalf of all Plaintiffs.
- COUNT XVII – Trespass, on behalf of all Plaintiffs asserting claims for property damage and economic injuries.
- COUNT XVIII – Violations of international law, on behalf of all Plaintiffs.

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<sup>4</sup> See preceding footnote.

<sup>5</sup> The causes of action pursuant to the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1330, are asserted on behalf of Plaintiffs who are Alien Nationals; estates, heirs, and survivors of Alien Nationals who are not themselves U.S. Nationals; Alien Nationals who are members of a putative class represented by such Plaintiffs; subrogated to the rights of Alien Nationals who incurred injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and assignees of Alien Nationals killed or injured in the September 11<sup>th</sup> attacks.

- ***Ashton* Sudan Amended Complaint, ECF No. 6537 (check all causes of actions that apply):**
  - First Cause of Action to Recover for Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
  - Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.
  - Third Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to State Tort Law.
  - Fourth Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to the Alien Tort Claims Act.
  - Fifth Cause of Action for Punitive Damages.
  - Sixth Cause of Action for Property Damage.

### **IDENTIFICATION OF NEW PLAINTIFFS**

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Abbate, Renee	New Jersey	U.S. Citizen	Michael Tanner	Sister	<i>Bauer</i> action <sup>6</sup> Paragraph 25
2	Abernathy, Gretchen	New Jersey	U.S. Citizen	W. David Bauer, II	Sister	<i>Bauer</i> action Paragraph 5

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<sup>6</sup> *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

3	Barrett, Elaine	New Jersey	U.S. Citizen	Donna Giordano	Sister	<i>Bauer</i> action Paragraph 41
4	Bauer, Est. of Dorothy Bauer	New Jersey	U.S. Citizen	W. David Bauer, II	Mother	<i>Bauer</i> action Paragraph 5
5	Bauer, Jacqueline	Pennsylvania	U.S. Citizen	W. David Bauer, II	Daughter	<i>Bauer</i> action Paragraph 5
6	Bauer, Robert G.	Pennsylvania	U.S. Citizen	W. David Bauer, II	Brother	<i>Bauer</i> action Paragraph 5
7	Bauer, Stephen	New Jersey	U.S. Citizen	W. David Bauer, II	Son	<i>Bauer</i> action Paragraph 5
8	Bauer, Virginia	New Jersey	U.S. Citizen	W. David Bauer, II	Wife	<i>Bauer</i> action Paragraph 5
9	Bauer, Sr., Est. of Walter D.	New Jersey	U.S. Citizen	W. David Bauer, II	Father	<i>Bauer</i> action Paragraph 5
10	Bauer, III, W. David	New York	U.S. Citizen	W. David Bauer, II	Son	<i>Bauer</i> action Paragraph 5
11	Bauer-Pollard, Heidi	New Jersey	U.S. Citizen	W. David Bauer, II	Sister	<i>Bauer</i> action Paragraph 5
12	Beamer, Andrew T.	New Jersey	U.S. Citizen	Todd M. Beamer	Son	<i>Bauer</i> action Paragraph 44
13	Beamer, David	Ohio	U.S. Citizen	Todd M. Beamer	Father	<i>Bauer</i> action Paragraph 44
14	Beamer, David. P.	New Jersey	U.S. Citizen	Todd M. Beamer	Son	<i>Bauer</i> action Paragraph 44
15	Beamer, Lisa	New Jersey	U.S. Citizen	Todd M. Beamer	Wife	<i>Bauer</i> action Paragraph 44
16	Beamer, Margaret	Ohio	U.S. Citizen	Todd M. Beamer	Mother	<i>Bauer</i> action Paragraph 44
17	Beamer, Morgan K.	New Jersey	U.S. Citizen	Todd M. Beamer	Daughter	<i>Bauer</i> action Paragraph 44
18	Beamer-Sorensen, Michele	Ohio	U.S. Citizen	Todd M. Beamer	Sister	<i>Bauer</i> action Paragraph 44
19	Beatini, Daria	New Jersey	U.S. Citizen	Paul F. Beatini	Daughter	<i>Bauer</i> action Paragraph 46
20	Beatini, Est. of Doris Beatini	New Jersey	U.S. Citizen	Paul F. Beatini	Mother	<i>Bauer</i> action Paragraph 46
21	Beatini, Julia	New Jersey	U.S. Citizen	Paul F. Beatini	Daughter	<i>Bauer</i> action Paragraph 46
22	Beatini, Mark	New Jersey	U.S. Citizen	Paul F. Beatini	Brother	<i>Bauer</i> action Paragraph 46
23	Beatini, Est. of Michael C.	New Jersey	U.S. Citizen	Paul F. Beatini	Father	<i>Bauer</i> action Paragraph 46
24	Beatini, Est. of Michael L.	New Jersey	U.S. Citizen	Paul F. Beatini	Brother	<i>Bauer</i> action Paragraph 46
25	Beatini, Nanda	New Jersey	U.S. Citizen	Paul F. Beatini	Sister	<i>Bauer</i> action Paragraph 46

Dated: January 29, 2021

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

/s/ Dorothea M. Capone  
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<sup>4</sup> See preceding footnote.

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### IDENTIFICATION OF NEW PLAINTIFFS

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	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Beatini, Susan	New Jersey	U.S. Citizen	Paul F. Beatini	Wife	<i>Bauer</i> action <sup>6</sup> Paragraph 46
2	Beatini, Thomas	New Jersey	U.S. Citizen	Paul F. Beatini	Brother	<i>Bauer</i> action Paragraph 46

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<sup>6</sup> *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

3	Better, Margarita	Florida	U.S. Citizen	Milton Bustillo	Mother	<i>Bauer action</i> Paragraph 29
4	Bharvaney, Pandora	New Jersey	U.S. Citizen	Anil T. Bharvaney	Wife	<i>Bauer action</i> Paragraph 27
5	Blest, Cynthia	New York	U.S. Citizen	Sean Rooney	Sister	<i>Bauer action</i> Paragraph 51
6	Bonnett, Cathyann	New York	U.S. Citizen	Colin Bonnett	Wife	<i>Bauer action</i> Paragraph 6
7	Bonnett, Heather	New York	U.S. Citizen	Colin Bonnett	Sister	<i>Bauer action</i> Paragraph 6
8	Bonnett, Julia	New York	U.S. Citizen	Colin Bonnett	Mother	<i>Bauer action</i> Paragraph 6
9	Bonnett, Kody	New York	U.S. Citizen	Colin Bonnett	Son	<i>Bauer action</i> Paragraph 6
10	Bonoli, Denise	Massachusetts	U.S. Citizen	Jack L. D'Ambrosi, Jr.	Sister	<i>Bauer action</i> Paragraph 21
11	Bowden, James F.	New Jersey	U.S. Citizen	Thomas H. Bowden, Jr.	Brother	<i>Bauer action</i> Paragraph 7
12	Bowden-Hart, Alyson V.	South Carolina	U.S. Citizen	Thomas H. Bowden, Jr.	Daughter	<i>Bauer action</i> Paragraph 7
13	Bowden-Hart, Deborah	South Carolina	U.S. Citizen	Thomas H. Bowden, Jr.	Wife	<i>Bauer action</i> Paragraph 7
14	Bowden-Hart, Sara J.	South Carolina	U.S. Citizen	Thomas H. Bowden, Jr.	Daughter	<i>Bauer action</i> Paragraph 7
15	Bowman, Carol A.	Florida	U.S. Citizen	Shawn E. Bowman, Jr.	Mother	<i>Bauer action</i> Paragraph 8
16	Bowman, James E.	New York	U.S. Citizen	Shawn E. Bowman, Jr.	Brother	<i>Bauer action</i> Paragraph 8
17	Bowman, Sr., Shawn E.	Florida	U.S. Citizen	Shawn E. Bowman, Jr.	Father	<i>Bauer action</i> Paragraph 8
18	Bowman Henry, Jack	New Jersey	U.S. Citizen	Shawn E. Bowman, Jr.	Son	<i>Bauer action</i> Paragraph 8
19	Bowman Henry, Liam	New Jersey	U.S. Citizen	Shawn E. Bowman, Jr.	Son	<i>Bauer action</i> Paragraph 8
20	Brandoftino, Jeanne	New York	U.S. Citizen	Daniel L. Maher	Sister	<i>Bauer action</i> Paragraph 17
21	Brennan, Anita	Florida	U.S. Citizen	Thomas M. Brennan, Sr.	Mother	<i>Bauer action</i> Paragraph 45
22	Brennan, Catherine A.	New York	U.S. Citizen	Thomas M. Brennan, Sr.	Daughter	<i>Bauer action</i> Paragraph 45

Dated: January 29, 2021

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

/s/ Dorothea M. Capone  
COUNSEL FOR PLAINTIFFS  
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New York, NY 10005  
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Email: [tcapone@baumeisterlaw.com](mailto:tcapone@baumeisterlaw.com)

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- COUNT XVI – 18 U.S.C. § 1962(a)-(d) – Civil RICO, on behalf of all Plaintiffs.
- COUNT XVII – Trespass, on behalf of all Plaintiffs asserting claims for property damage and economic injuries.
- COUNT XVIII – Violations of international law, on behalf of all Plaintiffs.

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<sup>4</sup> See preceding footnote.

<sup>5</sup> The causes of action pursuant to the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1330, are asserted on behalf of Plaintiffs who are Alien Nationals; estates, heirs, and survivors of Alien Nationals who are not themselves U.S. Nationals; Alien Nationals who are members of a putative class represented by such Plaintiffs; subrogated to the rights of Alien Nationals who incurred injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and assignees of Alien Nationals killed or injured in the September 11<sup>th</sup> attacks.

- ***Ashton* Sudan Amended Complaint, ECF No. 6537 (check all causes of actions that apply):**
  - First Cause of Action to Recover for Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
  - Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.
  - Third Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to State Tort Law.
  - Fourth Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to the Alien Tort Claims Act.
  - Fifth Cause of Action for Punitive Damages.
  - Sixth Cause of Action for Property Damage.

### **IDENTIFICATION OF NEW PLAINTIFFS**

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Brennan, John O.	New York	U.S. Citizen	Thomas M. Brennan, Sr.	Brother	<i>Bauer</i> action <sup>6</sup> Paragraph 45
2	Brennan, John V.	Florida	U.S. Citizen	Thomas M. Brennan, Sr.	Father	<i>Bauer</i> action Paragraph 45

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<sup>6</sup> *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

3	Brennan, Michael	New York	U.S. Citizen	Thomas M. Brennan, Sr.	Brother	<i>Bauer</i> action Paragraph 45
4	Brennan, Paul	New York	U.S. Citizen	Thomas M. Brennan, Sr.	Brother	<i>Bauer</i> action Paragraph 45
5	Brennan, Jr., Thomas M.	New York	U.S. Citizen	Thomas M. Brennan, Sr.	Son	<i>Bauer</i> action Paragraph 45
6	Brennan Waterhouse, Jennifer	New York	U.S. Citizen	Thomas M. Brennan, Sr.	Wife	<i>Bauer</i> action Paragraph 45
7	Bustillo, Alessandra	New York	U.S. Citizen	Milton Bustillo	Daughter	<i>Bauer</i> action Paragraph 29
8	Bustillo, Dissa	New Jersey	U.S. Citizen	Milton Bustillo	Sister	<i>Bauer</i> action Paragraph 29
9	Bustillo, Sr., Est. of Gilberto	Venezuela	Colombian Citizen	Milton Bustillo	Father	<i>Bauer</i> action Paragraph 29
10	Bustillo, Jr. Gilberto	New Jersey	U.S. Citizen	Milton Bustillo	Brother	<i>Bauer</i> action Paragraph 29
11	Bustillo, Henry	New Jersey	U.S. Citizen	Milton Bustillo	Brother	<i>Bauer</i> action Paragraph 29
12	Bustillo, Mirna	Florida	U.S. Citizen	Milton Bustillo	Sister	<i>Bauer</i> action Paragraph 29
13	Butler, Sasha	New Jersey	U.S. Citizen	Michael Tanner	Daughter	<i>Bauer</i> action Paragraph 25
14	Candela, Elizabeth	New Jersey	U.S. Citizen	John Anthony Candela	Wife	<i>Bauer</i> action Paragraph 9
15	Candela, John Arthur	New Jersey	U.S. Citizen	John Anthony Candela	Son	<i>Bauer</i> action Paragraph 9
16	Candela, Est. of John C.	New Jersey	U.S. Citizen	John Anthony Candela	Father	<i>Bauer</i> action Paragraph 9
17	Candela, Joseph G.	New Jersey	U.S. Citizen	John Anthony Candela	Brother	<i>Bauer</i> action Paragraph 9
18	Candela, Juliette	New Jersey	U.S. Citizen	John Anthony Candela	Daughter	<i>Bauer</i> action Paragraph 9
19	Candela, Est. of Phyllis	New Jersey	U.S. Citizen	John Anthony Candela	Mother	<i>Bauer</i> action Paragraph 9
20	Carlino, Est. Marie	New York	U.S. Citizen	Edward Carlino	Wife	<i>Bauer</i> action Paragraph 26
21	Carlino, Mary	New York	U.S. Citizen	Edward Carlino	Mother	<i>Bauer</i> action Paragraph 26
22	Carlino, Salvatore	New York	U.S. Citizen	Edward Carlino	Father	<i>Bauer</i> action Paragraph 26
23	Cunningham, Andrew	United Kingdom	United Kingdom	Cunningham, Michael J.	Brother	<i>Bauer</i> action Paragraph 50
24	Cunningham, Julieanne	United Kingdom	United Kingdom	Cunningham, Michael J.	Sister	<i>Bauer</i> action Paragraph 50

Dated: January 29, 2021

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

/s/ Dorothea M. Capone  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

03-MDL-1570 (GBD)(SN)

In Re:

TERROR ATTACKS ON  
SEPTEMBER 11, 2001

**SUDAN NOTICE  
OF AMENDMENT**

-----X

This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN)  
*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN)  
*York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN)

Plaintiffs file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, ECF No. 1463 (in 03-md-1570), as permitted and approved by the Court's Order of December 1, 2020, ECF No. 6547. Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the "New Plaintiffs") as plaintiffs raising claims against the Republic of the Sudan. The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand, as indicated below, of (a) the Consolidated Amended Complaint as to the Republic of the Sudan ("SCAC"), ECF No. 6539, or (b) the *Ashton* Amended Complaint as to Sudan Defendant in *Ashton v. the Republic of the Sudan*, No. 02-cv-6977, ECF No. 6537 (in 03-md-1570)(hereinafter, the "*Ashton* Sudan Amended Complaint"), as well as all causes of action specified below. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint. This Notice of Amendment relates solely to the Republic of Sudan and not apply to any other defendant.

Upon filing this Sudan Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as

specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

## CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

- Consolidated Amended Complaint as to the Republic of the Sudan (“SCAC”), ECF N. 6539 (check all causes of action that apply):**
- COUNT I – Claims under Section 1605A(c) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>1</sup>
- COUNT II – Claims under Sections 1605A(d) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(d), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>2</sup>
- COUNT III – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA), on behalf of all “U.S. National” Plaintiffs.<sup>3</sup>
- COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(a), on behalf of all “U.S. National” Plaintiffs.

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<sup>1</sup> Section 1605A of the Foreign Sovereign Immunities Act grants a right of action to (1) nationals of the United States, (2) members of the armed forces, (3) employees of the U.S. government (including individuals performing a contract awarded by the U.S. government) acting within the scope of employment, and legal representatives of persons described in (1), (2), or (3).

<sup>2</sup> See preceding footnote.

<sup>3</sup> The causes of action pursuant to the ATA, 18 U.S.C. § 2331 et seq., are asserted on behalf of Plaintiffs who are U.S. Nationals; estates, heirs, and survivors of U.S. Nationals; U.S. Nationals who are members of a putative class represented by such Plaintiffs; Plaintiffs who are subrogated to the rights of U.S. Nationals who incurred physical injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks. The term “U.S. National Plaintiffs” in the context claims under JASTA or the ATA refers to all such parties.

- COUNT V – Committing actions of international terrorism in violation of 18 U.S.C. § 2333, on behalf of all “U.S. National” Plaintiffs.<sup>4</sup>
- COUNT VI – Wrongful death, on behalf of all Plaintiffs bringing Wrongful Death claim.
- COUNT VII – Negligence, on behalf of all Plaintiffs.
- COUNT VIII – Survival, on behalf of all Plaintiffs bring wrongful death claims.
- COUNT IX – Alien Tort Claims Act, on behalf of all Alien National Plaintiffs.<sup>5</sup>
- COUNT X – Assault and Battery, on behalf of all Plaintiffs bringing wrongful death and personal injury claims.
- COUNT XI – Conspiracy, on behalf of all Plaintiffs.
- COUNT XII – Negligent and/or intentional infliction of emotional distress on behalf of all Plaintiffs.
- COUNT XIV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Supervising Employees and Agents, on behalf of all Plaintiffs.
- COUNT XV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents, on behalf of all Plaintiffs.
- COUNT XVI – 18 U.S.C. § 1962(a)-(d) – Civil RICO, on behalf of all Plaintiffs.
- COUNT XVII – Trespass, on behalf of all Plaintiffs asserting claims for property damage and economic injuries.
- COUNT XVIII – Violations of international law, on behalf of all Plaintiffs.

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<sup>4</sup> See preceding footnote.

<sup>5</sup> The causes of action pursuant to the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1330, are asserted on behalf of Plaintiffs who are Alien Nationals; estates, heirs, and survivors of Alien Nationals who are not themselves U.S. Nationals; Alien Nationals who are members of a putative class represented by such Plaintiffs; subrogated to the rights of Alien Nationals who incurred injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and assignees of Alien Nationals killed or injured in the September 11<sup>th</sup> attacks.

- ***Ashton* Sudan Amended Complaint, ECF No. 6537 (check all causes of actions that apply):**
  - First Cause of Action to Recover for Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
  - Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.
  - Third Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to State Tort Law.
  - Fourth Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to the Alien Tort Claims Act.
  - Fifth Cause of Action for Punitive Damages.
  - Sixth Cause of Action for Property Damage.

### **IDENTIFICATION OF NEW PLAINTIFFS**

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Cunningham, Paul	United Kingdom	United Kingdom	Michael J. Cunningham	Brother	<i>Bauer</i> action <sup>6</sup> Paragraph 50
2	Cunningham, Sean	United Kingdom	United Kingdom	Michael J. Cunningham	Brother	<i>Bauer</i> action Paragraph 50

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<sup>6</sup> *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

3	Cunningham, Teresa	New Jersey	U.S. Citizen	Michael J. Cunningham	Wife	<i>Bauer action Paragraph 50</i>
4	Cunningham, William	New Jersey	U.S. Citizen	Michael J. Cunningham	Son	<i>Bauer action Paragraph 50</i>
5	D'Alessandro, Rose	New Jersey	U.S. Citizen	Joseph J. Keller	Wife	<i>Bauer action Paragraph 36</i>
6	D'Ambola, Domenick	New Jersey	U.S. Citizen	Donna Giordano	Father	<i>Bauer action Paragraph 41</i>
7	D'Ambola, Est. of Jessamine	New Jersey	U.S. Citizen	Donna Giordano	Mother	<i>Bauer action Paragraph 41</i>
8	D'Ambrosi, Dean J.	Virginia	U.S. Citizen	Jack L. D'Ambrosi, Jr.	Brother	<i>Bauer action Paragraph 21</i>
9	D'Ambrosi, Emily	New Jersey	U.S. Citizen	Jack L. D'Ambrosi, Jr.	Daughter	<i>Bauer action Paragraph 21</i>
10	D'Ambrosi, Sr., Est. Jack L.	New Jersey	U.S. Citizen	Jack L. D'Ambrosi, Jr.	Father	<i>Bauer action Paragraph 21</i>
11	D'Ambrosi, Karen	New Jersey	U.S. Citizen	Jack L. D'Ambrosi, Jr.	Wife	<i>Bauer action Paragraph 21</i>
12	Danahy, Alison M.	New York	U.S. Citizen	Patrick W. Danahy	Daughter	<i>Bauer action Paragraph 47</i>
13	Danahy, Grace A.	New York	U.S. Citizen	Patrick W. Danahy	Daughter	<i>Bauer action Paragraph 47</i>
14	Danahy, Kathleen T.	New York	U.S. Citizen	Patrick W. Danahy	Daughter	<i>Bauer action Paragraph 47</i>
15	Danahy, Mary	New York	U.S. Citizen	Patrick W. Danahy	Wife	<i>Bauer action Paragraph 47</i>
16	Dembicki, Janyne V.	New Jersey	U.S. Citizen	Scott Vasel	Sister	<i>Bauer action Paragraph 14</i>
17	DiMeglio, Daniel	Massachusetts	U.S. Citizen	David DiMeglio	Brother	<i>Bauer action Paragraph 39</i>
18	DiMeglio, John	Massachusetts	U.S. Citizen	David DiMeglio	Father	<i>Bauer action Paragraph 39</i>
19	DiMeglio, Patti S.	New Hampshire	U.S. Citizen	David DiMeglio	Mother	<i>Bauer action Paragraph 39</i>
20	Dougherty, Mary Beth	New York	U.S. Citizen	Kevin Murphy	Sister	<i>Bauer action Paragraph 11</i>
21	Eckert, Est. of Beverly	Connecticut	U.S. Citizen	Sean Rooney	Wife	<i>Bauer action Paragraph 51</i>
22	Felt, Adrienne P.	California	U.S. Citizen	Edward P. Felt	Daughter	<i>Bauer action Paragraph 35</i>
23	Felt, Gordon	New York	U.S. Citizen	Edward P. Felt	Brother	<i>Bauer action Paragraph 35</i>
24	Felt, Kathryn	New Jersey	U.S. Citizen	Edward P. Felt	Daughter	<i>Bauer action Paragraph 35</i>

25	Felt, Lawrence	Virginia	U.S. Citizen	Edward P. Felt	Brother	<i>Bauer action Paragraph 35</i>
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Dated: January 29, 2021

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

/s/ Dorothea M. Capone  
COUNSEL FOR PLAINTIFFS  
Baumeister & Samuel, P.C.  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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03-MDL-1570 (GBD)(SN)

In Re:

TERROR ATTACKS ON  
SEPTEMBER 11, 2001

**SUDAN NOTICE  
OF AMENDMENT**

-----X

This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN)

*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN)

*York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN)

Plaintiffs file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, ECF No. 3237, as permitted and approved by the Court's Order of December 1, 2020, ECF No. 6547. Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the "New Plaintiffs") as plaintiffs raising claims against the Republic of the Sudan. The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand, as indicated below, of (a) the Consolidated Amended Complaint as to the Republic of the Sudan ("SCAC"), ECF No. 6539, or (b) the *Ashton* Amended Complaint as to Sudan Defendant in *Ashton v. the Republic of the Sudan*, No. 02-cv-6977, ECF No. 6537 (in 03-md-1570)(hereinafter, the "*Ashton* Sudan Amended Complaint"), as well as all causes of action specified below. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint. This Notice of Amendment relates solely to the Republic of Sudan and not apply to any other defendant.

Upon filing this Sudan Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as

specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

## CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

- Consolidated Amended Complaint as to the Republic of the Sudan (“SCAC”), ECF N. 6539 (check all causes of action that apply):**
- COUNT I – Claims under Section 1605A(c) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>1</sup>
- COUNT II – Claims under Sections 1605A(d) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(d), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>2</sup>
- COUNT III – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA), on behalf of all “U.S. National” Plaintiffs.<sup>3</sup>
- COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(a), on behalf of all “U.S. National” Plaintiffs.

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<sup>1</sup> Section 1605A of the Foreign Sovereign Immunities Act grants a right of action to (1) nationals of the United States, (2) members of the armed forces, (3) employees of the U.S. government (including individuals performing a contract awarded by the U.S. government) acting within the scope of employment, and legal representatives of persons described in (1), (2), or (3).

<sup>2</sup> See preceding footnote.

<sup>3</sup> The causes of action pursuant to the ATA, 18 U.S.C. § 2331 et seq., are asserted on behalf of Plaintiffs who are U.S. Nationals; estates, heirs, and survivors of U.S. Nationals; U.S. Nationals who are members of a putative class represented by such Plaintiffs; Plaintiffs who are subrogated to the rights of U.S. Nationals who incurred physical injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks. The term “U.S. National Plaintiffs” in the context claims under JASTA or the ATA refers to all such parties.

- COUNT V – Committing actions of international terrorism in violation of 18 U.S.C. § 2333, on behalf of all “U.S. National” Plaintiffs.<sup>4</sup>
- COUNT VI – Wrongful death, on behalf of all Plaintiffs bringing Wrongful Death claim.
- COUNT VII – Negligence, on behalf of all Plaintiffs.
- COUNT VIII – Survival, on behalf of all Plaintiffs bring wrongful death claims.
- COUNT IX – Alien Tort Claims Act, on behalf of all Alien National Plaintiffs.<sup>5</sup>
- COUNT X – Assault and Battery, on behalf of all Plaintiffs bringing wrongful death and personal injury claims.
- COUNT XI – Conspiracy, on behalf of all Plaintiffs.
- COUNT XII – Negligent and/or intentional infliction of emotional distress on behalf of all Plaintiffs.
- COUNT XIV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Supervising Employees and Agents, on behalf of all Plaintiffs.
- COUNT XV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents, on behalf of all Plaintiffs.
- COUNT XVI – 18 U.S.C. § 1962(a)-(d) – Civil RICO, on behalf of all Plaintiffs.
- COUNT XVII – Trespass, on behalf of all Plaintiffs asserting claims for property damage and economic injuries.
- COUNT XVIII – Violations of international law, on behalf of all Plaintiffs.

---

<sup>4</sup> See preceding footnote.

<sup>5</sup> The causes of action pursuant to the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1330, are asserted on behalf of Plaintiffs who are Alien Nationals; estates, heirs, and survivors of Alien Nationals who are not themselves U.S. Nationals; Alien Nationals who are members of a putative class represented by such Plaintiffs; subrogated to the rights of Alien Nationals who incurred injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and assignees of Alien Nationals killed or injured in the September 11<sup>th</sup> attacks.

- ***Ashton* Sudan Amended Complaint, ECF No. 6537 (check all causes of actions that apply):**
  - First Cause of Action to Recover for Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
  - Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.
  - Third Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to State Tort Law.
  - Fourth Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to the Alien Tort Claims Act.
  - Fifth Cause of Action for Punitive Damages.
  - Sixth Cause of Action for Property Damage.

#### **IDENTIFICATION OF NEW PLAINTIFFS**

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Felt, Sandra V.	New Jersey	U.S. Citizen	Edward P. Felt	Wife	<i>Bauer</i> action <sup>6</sup> Paragraph 35
2	Felt, Shirley A.	New York	U.S. Citizen	Edward P. Felt	Mother	<i>Bauer</i> action Paragraph 35

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<sup>6</sup> *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

3	Ferrell, Michele	New Jersey	U.S. Citizen	Donald T. Jones, II	Wife	<i>Bauer</i> action Paragraph 13
4	Foster, Megan	New Jersey	U.S. Citizen	Noel Foster	Daughter	<i>York</i> action <sup>7</sup> Paragraph 8
5	Foster, Nancy	New Jersey	U.S. Citizen	Noel Foster	Wife	<i>York</i> action Paragraph 8
6	Foster, Nicole	New Jersey	U.S. Citizen	Noel Foster	Daughter	<i>York</i> Action Paragraph 8
7	Gallucci, Alyssa	California	U.S. Citizen	Vincenzo Gallucci	Daughter	<i>Bauer</i> action Paragraph 16
8	Gallucci, Angela	New Jersey	U.S. Citizen	Vincenzo Gallucci	Mother	<i>Bauer</i> action Paragraph 16
9	Gallucci, Barbara	New Jersey	U.S. Citizen	Vincenzo Gallucci	Wife	<i>Bauer</i> action Paragraph 16
10	Gallucci, Est. of Joseph	New Jersey	U.S. Citizen	Vincenzo Gallucci	Father	<i>Bauer</i> action Paragraph 16
11	Gallucci, Joseph D.	Washington	U.S. Citizen	Vincenzo Gallucci	Son	<i>Bauer</i> action Paragraph 16
12	Giordano, Michael	New Jersey	U.S. Citizen	Donna Giordano	Son	<i>Bauer</i> action Paragraph 41
13	Glick, Emerson	New Hampshire	U.S. Citizen	Jeremy Glick	Daughter	<i>Bauer</i> action Paragraph 37
14	Glick, Jared	New Jersey	U.S. Citizen	Jeremy Glick	Brother	<i>Bauer</i> action Paragraph 37
15	Glick, Jed	New York	U.S. Citizen	Jeremy Glick	Brother	<i>Bauer</i> action Paragraph 37
16	Glick, Jennifer	New Jersey	U.S. Citizen	Jeremy Glick	Sister	<i>Bauer</i> action Paragraph 37
17	Glick, Joan	New Jersey	U.S. Citizen	Jeremy Glick	Mother	<i>Bauer</i> action Paragraph 37
18	Glick, Jonah	Japan	U.S. Citizen	Jeremy Glick	Brother	<i>Bauer</i> action Paragraph 37
19	Glick, Lloyd	New Jersey	U.S. Citizen	Jeremy Glick	Father	<i>Bauer</i> action Paragraph 37
20	Glick-Best, Lyzbeth	New Hampshire	U.S. Citizen	Jeremy Glick	Wife	<i>Bauer</i> action Paragraph 37
21	Glick-Danino, Joanna	New York	U.S. Citizen	Jeremy Glick	Sister	<i>Bauer</i> action Paragraph 37
22	Goldstein, Hanna	New Jersey	U.S. Citizen	Steven Goldstein	Daughter	<i>Bauer</i> action Paragraph 19
23	Goldstein, Harris	New Jersey	U.S. Citizen	Steven Goldstein	Son	<i>Bauer</i> action Paragraph 19
24	Goldstein, Jill	New Jersey	U.S. Citizen	Steven Goldstein	Wife	<i>Bauer</i> action Paragraph 19
25	Gronlund, Est. of Arthur G.	Florida	U.S. Citizen	Linda K. Gronlund	Father	<i>Bauer</i> action Paragraph 38

<sup>7</sup> *York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN), herein referred to as *York* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

Dated: February 1, 2021

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

/s/ Dorothea M. Capone  
COUNSEL FOR PLAINTIFFS  
140 Broadway, 46<sup>th</sup> Floor  
New York, NY 10005  
Phone: (212) 363-1200  
Email: [tcapone@baumeisterlaw.com](mailto:tcapone@baumeisterlaw.com)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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03-MDL-1570 (GBD)(SN)

In Re:

TERROR ATTACKS ON  
SEPTEMBER 11, 2001

**SUDAN NOTICE  
OF AMENDMENT**

-----X

This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN)

*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN)

*York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN)

Plaintiffs file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, ECF No. 3237, as permitted and approved by the Court's Order of December 1, 2020, ECF No. 6547. Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the "New Plaintiffs") as plaintiffs raising claims against the Republic of the Sudan. The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand, as indicated below, of (a) the Consolidated Amended Complaint as to the Republic of the Sudan ("SCAC"), ECF No. 6539, or (b) the *Ashton* Amended Complaint as to Sudan Defendant in *Ashton v. the Republic of the Sudan*, No. 02-cv-6977, ECF No. 6537 (in 03-md-1570)(hereinafter, the "*Ashton* Sudan Amended Complaint"), as well as all causes of action specified below. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint. This Notice of Amendment relates solely to the Republic of Sudan and not apply to any other defendant.

Upon filing this Sudan Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as

specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

## CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

- Consolidated Amended Complaint as to the Republic of the Sudan (“SCAC”), ECF N. 6539 (check all causes of action that apply):**
- COUNT I – Claims under Section 1605A(c) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>1</sup>
- COUNT II – Claims under Sections 1605A(d) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(d), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>2</sup>
- COUNT III – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA), on behalf of all “U.S. National” Plaintiffs.<sup>3</sup>
- COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(a), on behalf of all “U.S. National” Plaintiffs.

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<sup>1</sup> Section 1605A of the Foreign Sovereign Immunities Act grants a right of action to (1) nationals of the United States, (2) members of the armed forces, (3) employees of the U.S. government (including individuals performing a contract awarded by the U.S. government) acting within the scope of employment, and legal representatives of persons described in (1), (2), or (3).

<sup>2</sup> See preceding footnote.

<sup>3</sup> The causes of action pursuant to the ATA, 18 U.S.C. § 2331 et seq., are asserted on behalf of Plaintiffs who are U.S. Nationals; estates, heirs, and survivors of U.S. Nationals; U.S. Nationals who are members of a putative class represented by such Plaintiffs; Plaintiffs who are subrogated to the rights of U.S. Nationals who incurred physical injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks. The term “U.S. National Plaintiffs” in the context claims under JASTA or the ATA refers to all such parties.

- COUNT V – Committing actions of international terrorism in violation of 18 U.S.C. § 2333, on behalf of all “U.S. National” Plaintiffs.<sup>4</sup>
- COUNT VI – Wrongful death, on behalf of all Plaintiffs bringing Wrongful Death claim.
- COUNT VII – Negligence, on behalf of all Plaintiffs.
- COUNT VIII – Survival, on behalf of all Plaintiffs bring wrongful death claims.
- COUNT IX – Alien Tort Claims Act, on behalf of all Alien National Plaintiffs.<sup>5</sup>
- COUNT X – Assault and Battery, on behalf of all Plaintiffs bringing wrongful death and personal injury claims.
- COUNT XI – Conspiracy, on behalf of all Plaintiffs.
- COUNT XII – Negligent and/or intentional infliction of emotional distress on behalf of all Plaintiffs.
- COUNT XIV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Supervising Employees and Agents, on behalf of all Plaintiffs.
- COUNT XV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents, on behalf of all Plaintiffs.
- COUNT XVI – 18 U.S.C. § 1962(a)-(d) – Civil RICO, on behalf of all Plaintiffs.
- COUNT XVII – Trespass, on behalf of all Plaintiffs asserting claims for property damage and economic injuries.
- COUNT XVIII – Violations of international law, on behalf of all Plaintiffs.

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<sup>4</sup> See preceding footnote.

<sup>5</sup> The causes of action pursuant to the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1330, are asserted on behalf of Plaintiffs who are Alien Nationals; estates, heirs, and survivors of Alien Nationals who are not themselves U.S. Nationals; Alien Nationals who are members of a putative class represented by such Plaintiffs; subrogated to the rights of Alien Nationals who incurred injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and assignees of Alien Nationals killed or injured in the September 11<sup>th</sup> attacks.

- ***Ashton* Sudan Amended Complaint, ECF No. 6537 (check all causes of actions that apply):**
  - First Cause of Action to Recover for Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
  - Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.
  - Third Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to State Tort Law.
  - Fourth Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to the Alien Tort Claims Act.
  - Fifth Cause of Action for Punitive Damages.
  - Sixth Cause of Action for Property Damage.

### **IDENTIFICATION OF NEW PLAINTIFFS**

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Gronlund, Est. of Doris	New York	U.S. Citizen	Linda K. Gronlund	Mother	<i>Bauer</i> action <sup>6</sup> Paragraph 38
2	Hannaford, Eileen	New Jersey	U.S. Citizen	Kevin J. Hannaford, Sr.	Wife	<i>Bauer</i> action Paragraph 18

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<sup>6</sup> *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

3	Hannaford, Jr., Kevin J.	New Jersey	U.S. Citizen	Kevin J. Hannaford, Sr.	Son	<i>Bauer</i> action Paragraph 18
4	Hannaford, Patrick J.	New Jersey	U.S. Citizen	Kevin J. Hannaford, Sr.	Son	<i>Bauer</i> action Paragraph
5	Hayes, Bernadette T.	United Kingdom	United Kingdom	Michael J. Cunningham	Sister	<i>Bauer</i> action Paragraph 50
6	Hebert, Kathryn	Connecticut	U.S. Citizen	Adam J. Lewis	Sister	<i>York</i> action <sup>7</sup> Paragraph 7
7	Henry, Jennifer J.	New York	U.S. Citizen	Shawn E. Bowman, Jr.	Wife	<i>Bauer</i> action Paragraph 8
8	Hicks, Susan	New York	U.S. Citizen	Daniel Smith	Sister	<i>Ashton</i> 5 <sup>th</sup> Amended <sup>8</sup>
9	Hoadley, Est. of Richard	Nevada	U.S. Citizen	Jean H. Peterson	Brother	<i>Bauer</i> action Paragraph 34
10	Hoadley, Est. of Virginia A.	Nevada	U.S. Citizen	Jean H. Peterson	Mother	<i>Bauer</i> action Paragraph 34
11	Hoadley, Est. of Walter E.	Nevada	U.S. Citizen	Jean H. Peterson	Father	<i>Bauer</i> action Paragraph 34
12	Hughes, Ellen	New Jersey	U.S. Citizen	Steven F. Schlag	Sister	<i>Bauer</i> action Paragraph 10
13	Jack, Est. of Helen M.	Colorado	U.S. Citizen	Bryan C. Jack	Mother	<i>Bauer</i> action Paragraph 40
14	Jack, Est. of James H.	Colorado	U.S. Citizen	Bryan C. Jack	Father	<i>Bauer</i> action Paragraph 40
15	Jack, James T.	New Mexico	U.S. Citizen	Bryan C. Jack	Brother	<i>Bauer</i> action Paragraph 40
16	Johnson, Margaret A.	Florida	U.S. Citizen	Scott Johnson	Mother	<i>Bauer</i> action Paragraph 55
17	Johnson, Est. of Thomas P.	Delaware	U.S. Citizen	Scott Johnson	Brother	<i>Bauer</i> action Paragraph 55
18	Johnson, Thomas S.	Florida	U.S. Citizen	Scott Johnson	Father	<i>Bauer</i> action Paragraph 55
19	Jones, Sr., Est. of Donald T.	New Jersey	U.S. Citizen	Donald T. Jones, II	Father	<i>Bauer</i> action Paragraph 13
20	Jones, III, Donald T.	New Jersey	U.S. Citizen	Donald T. Jones, II	Son	<i>Bauer</i> action Paragraph 13
21	Jones, Judith	New Jersey	U.S. Citizen	Donald T. Jones, II	Mother	<i>Bauer</i> action Paragraph 13
22	Jones, Taylor N.	New Jersey	U.S. Citizen	Donald T. Jones, II	Daughter	<i>Bauer</i> action Paragraph 13

<sup>7</sup> *York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN), herein referred to as *York* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

<sup>8</sup> Smith Plaintiff was added to *Ashton* 5<sup>th</sup> Amended Consolidated Master Complaint filed on 09/02/2004, page 4, ECF No. 447.

23	Jones, William B.	New Jersey	U.S. Citizen	Donald T. Jones, II	Brother	<i>Bauer action</i> Paragraph 13
24	Kane, Adam	New Jersey	U.S. Citizen	Howard Kane	Brother	<i>Bauer action</i> Paragraph 53
25	Kane, Est. of Bruce	New Jersey	U.S. Citizen	Howard Kane	Mother	<i>Bauer action</i> Paragraph 53

Dated: February 1, 2021

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

/s/ Dorothea M. Capone  
COUNSEL FOR PLAINTIFFS  
140 Broadway, 46<sup>th</sup> Floor  
New York, NY 10005  
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Email: [tcapone@baumeisterlaw.com](mailto:tcapone@baumeisterlaw.com)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

03-MDL-1570 (GBD)(SN)

In Re:

TERROR ATTACKS ON  
SEPTEMBER 11, 2001

**SUDAN NOTICE  
OF AMENDMENT**

-----X

This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN)  
*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN)  
*York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN)

Plaintiffs file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, ECF No. 3237, as permitted and approved by the Court's Order of December 1, 2020, ECF No. 6547. Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the "New Plaintiffs") as plaintiffs raising claims against the Republic of the Sudan. The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand, as indicated below, of (a) the Consolidated Amended Complaint as to the Republic of the Sudan ("SCAC"), ECF No. 6539, or (b) the *Ashton* Amended Complaint as to Sudan Defendant in *Ashton v. the Republic of the Sudan*, No. 02-cv-6977, ECF No. 6537 (in 03-md-1570)(hereinafter, the "*Ashton* Sudan Amended Complaint"), as well as all causes of action specified below. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint. This Notice of Amendment relates solely to the Republic of Sudan and not apply to any other defendant.

Upon filing this Sudan Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as

specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

## CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

- Consolidated Amended Complaint as to the Republic of the Sudan (“SCAC”), ECF N. 6539 (check all causes of action that apply):**
- COUNT I – Claims under Section 1605A(c) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>1</sup>
- COUNT II – Claims under Sections 1605A(d) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(d), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>2</sup>
- COUNT III – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA), on behalf of all “U.S. National” Plaintiffs.<sup>3</sup>
- COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(a), on behalf of all “U.S. National” Plaintiffs.

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<sup>1</sup> Section 1605A of the Foreign Sovereign Immunities Act grants a right of action to (1) nationals of the United States, (2) members of the armed forces, (3) employees of the U.S. government (including individuals performing a contract awarded by the U.S. government) acting within the scope of employment, and legal representatives of persons described in (1), (2), or (3).

<sup>2</sup> See preceding footnote.

<sup>3</sup> The causes of action pursuant to the ATA, 18 U.S.C. § 2331 et seq., are asserted on behalf of Plaintiffs who are U.S. Nationals; estates, heirs, and survivors of U.S. Nationals; U.S. Nationals who are members of a putative class represented by such Plaintiffs; Plaintiffs who are subrogated to the rights of U.S. Nationals who incurred physical injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks. The term “U.S. National Plaintiffs” in the context claims under JASTA or the ATA refers to all such parties.

- COUNT V – Committing actions of international terrorism in violation of 18 U.S.C. § 2333, on behalf of all “U.S. National” Plaintiffs.<sup>4</sup>
- COUNT VI – Wrongful death, on behalf of all Plaintiffs bringing Wrongful Death claim.
- COUNT VII – Negligence, on behalf of all Plaintiffs.
- COUNT VIII – Survival, on behalf of all Plaintiffs bring wrongful death claims.
- COUNT IX – Alien Tort Claims Act, on behalf of all Alien National Plaintiffs.<sup>5</sup>
- COUNT X – Assault and Battery, on behalf of all Plaintiffs bringing wrongful death and personal injury claims.
- COUNT XI – Conspiracy, on behalf of all Plaintiffs.
- COUNT XII – Negligent and/or intentional infliction of emotional distress on behalf of all Plaintiffs.
- COUNT XIV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Supervising Employees and Agents, on behalf of all Plaintiffs.
- COUNT XV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents, on behalf of all Plaintiffs.
- COUNT XVI – 18 U.S.C. § 1962(a)-(d) – Civil RICO, on behalf of all Plaintiffs.
- COUNT XVII – Trespass, on behalf of all Plaintiffs asserting claims for property damage and economic injuries.
- COUNT XVIII – Violations of international law, on behalf of all Plaintiffs.

---

<sup>4</sup> See preceding footnote.

<sup>5</sup> The causes of action pursuant to the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1330, are asserted on behalf of Plaintiffs who are Alien Nationals; estates, heirs, and survivors of Alien Nationals who are not themselves U.S. Nationals; Alien Nationals who are members of a putative class represented by such Plaintiffs; subrogated to the rights of Alien Nationals who incurred injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and assignees of Alien Nationals killed or injured in the September 11<sup>th</sup> attacks.

- ***Ashton* Sudan Amended Complaint, ECF No. 6537 (check all causes of actions that apply):**
  - First Cause of Action to Recover for Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
  - Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.
  - Third Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to State Tort Law.
  - Fourth Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to the Alien Tort Claims Act.
  - Fifth Cause of Action for Punitive Damages.
  - Sixth Cause of Action for Property Damage.

### **IDENTIFICATION OF NEW PLAINTIFFS**

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Kane, Jason B.	New Jersey	U.S. Citizen	Howard Kane	Son	<i>Bauer</i> action <sup>6</sup> Paragraph 53
2	Kane, Lori	New Jersey	U.S. Citizen	Howard Kane	Wife	<i>Bauer</i> action Paragraph 53

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<sup>6</sup>*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

3	Kane, Rochelle	New Jersey	U.S. Citizen	Howard Kane	Mother	<i>Bauer</i> action Paragraph 53
4	Keller, Joseph D.	New Jersey	U.S. Citizen	Joseph J. Keller	Son	<i>Bauer</i> action Paragraph 36
5	Keller, Sydnie R.	New Jersey	U.S. Citizen	Joseph J. Keller	Daughter	<i>Bauer</i> action Paragraph 36
6	Kelly, Phyllis	New Jersey	U.S. Citizen	Salvatore Zisa	Sister	<i>Bauer</i> action Paragraph 36
7	Lewis, Arthur	Connecticut	U.S. Citizen	Adam J. Lewis	Son	<i>York</i> action <sup>7</sup> Paragraph 7
8	Lewis, Caroline	Connecticut	U.S. Citizen	Adam J. Lewis	Daughter	<i>York</i> action Paragraph 7
9	Lewis, Geraldine	Connecticut	U.S. Citizen	Adam J. Lewis	Mother	<i>York</i> action Paragraph 7
10	Lewis, Patricia D.	Connecticut	U.S. Citizen	Adam J. Lewis	Wife	<i>York</i> action Paragraph 7
11	Lewis, Reilly	Connecticut	U.S. Citizen	Adam J. Lewis	Daughter	<i>York</i> action Paragraph 7
12	Lewis, Sophia	Connecticut	U.S. Citizen	Adam J. Lewis	Daughter	<i>York</i> action Paragraph 7
13	Lutz, Jennifer	North Carolina	U.S. Citizen	Joseph J. Keller	Sister	<i>Bauer</i> action Paragraph 36
14	MacRae, Ann B.	New York	U.S. Citizen	Catherine F. MacRae	Mother	<i>Bauer</i> action Paragraph 31
15	MacRae, Ann C.	New York	U.S. Citizen	Catherine F. MacRae	Sister	<i>Bauer</i> action Paragraph 31
16	MacRae, III, Cameron F.	New York	U.S. Citizen	Catherine F. MacRae	Father	<i>Bauer</i> action Paragraph 31
17	Magee, Mary Beth	Utah	U.S. Citizen	Thomas M. Brennan	Sister	<i>Bauer</i> action Paragraph 45
18	Magnuson, Audrey	New Jersey	U.S. Citizen	Ronald E. Magnuson	Wife	<i>Bauer</i> action Paragraph 20
19	Magnuson, Jeffrey	New Jersey	U.S. Citizen	Ronald E. Magnuson	Son	<i>Bauer</i> action Paragraph 20
20	Magnuson, Knut	Connecticut	U.S. Citizen	Ronald E. Magnuson	Brother	<i>Bauer</i> action Paragraph 20
21	Magnuson, Sheryl	New Jersey	U.S. Citizen	Ronald E. Magnuson	Daughter	<i>Bauer</i> action Paragraph 20
22	Maher, Est. of Jeanne	New York	U.S. Citizen	Daniel L. Maher	Mother	<i>Bauer</i> action Paragraph 17
23	Maher, James	Florida	U.S. Citizen	Daniel L. Maher	Brother	<i>Bauer</i> action Paragraph 17
24	Maher, Est. of Raymond	Texas	U.S. Citizen	Daniel L. Maher	Brother	<i>Bauer</i> action Paragraph 17
25	Marasciulo, Maria	New Jersey	U.S. Citizen	Michael Tanner	Sister	<i>Bauer</i> action Paragraph 25

<sup>7</sup> *York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN), herein referred to as *York* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

Dated: February 1, 2021

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

/s/ Dorothea M. Capone  
COUNSEL FOR PLAINTIFFS  
140 Broadway, 46<sup>th</sup> Floor  
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Email: [tcapone@baumeisterlaw.com](mailto:tcapone@baumeisterlaw.com)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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03-MDL-1570 (GBD)(SN)

In Re:

TERROR ATTACKS ON  
SEPTEMBER 11, 2001

**SUDAN NOTICE  
OF AMENDMENT**

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This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN)  
*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN)  
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Plaintiffs file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, ECF No. 3237, as permitted and approved by the Court's Order of December 1, 2020, ECF No. 6547. Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the "New Plaintiffs") as plaintiffs raising claims against the Republic of the Sudan. The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand, as indicated below, of (a) the Consolidated Amended Complaint as to the Republic of the Sudan ("SCAC"), ECF No. 6539, or (b) the *Ashton* Amended Complaint as to Sudan Defendant in *Ashton v. the Republic of the Sudan*, No. 02-cv-6977, ECF No. 6537 (in 03-md-1570)(hereinafter, the "*Ashton* Sudan Amended Complaint"), as well as all causes of action specified below. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint. This Notice of Amendment relates solely to the Republic of Sudan and not apply to any other defendant.

Upon filing this Sudan Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as

specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

## CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

- Consolidated Amended Complaint as to the Republic of the Sudan (“SCAC”), ECF N. 6539 (check all causes of action that apply):**
  - COUNT I – Claims under Section 1605A(c) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>1</sup>
  - COUNT II – Claims under Sections 1605A(d) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(d), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>2</sup>
  - COUNT III – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA), on behalf of all “U.S. National” Plaintiffs.<sup>3</sup>
  - COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(a), on behalf of all “U.S. National” Plaintiffs.

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<sup>1</sup> Section 1605A of the Foreign Sovereign Immunities Act grants a right of action to (1) nationals of the United States, (2) members of the armed forces, (3) employees of the U.S. government (including individuals performing a contract awarded by the U.S. government) acting within the scope of employment, and legal representatives of persons described in (1), (2), or (3).

<sup>2</sup> See preceding footnote.

<sup>3</sup> The causes of action pursuant to the ATA, 18 U.S.C. § 2331 et seq., are asserted on behalf of Plaintiffs who are U.S. Nationals; estates, heirs, and survivors of U.S. Nationals; U.S. Nationals who are members of a putative class represented by such Plaintiffs; Plaintiffs who are subrogated to the rights of U.S. Nationals who incurred physical injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks. The term “U.S. National Plaintiffs” in the context claims under JASTA or the ATA refers to all such parties.

- COUNT V – Committing actions of international terrorism in violation of 18 U.S.C. § 2333, on behalf of all “U.S. National” Plaintiffs.<sup>4</sup>
- COUNT VI – Wrongful death, on behalf of all Plaintiffs bringing Wrongful Death claim.
- COUNT VII – Negligence, on behalf of all Plaintiffs.
- COUNT VIII – Survival, on behalf of all Plaintiffs bring wrongful death claims.
- COUNT IX – Alien Tort Claims Act, on behalf of all Alien National Plaintiffs.<sup>5</sup>
- COUNT X – Assault and Battery, on behalf of all Plaintiffs bringing wrongful death and personal injury claims.
- COUNT XI – Conspiracy, on behalf of all Plaintiffs.
- COUNT XII – Negligent and/or intentional infliction of emotional distress on behalf of all Plaintiffs.
- COUNT XIV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Supervising Employees and Agents, on behalf of all Plaintiffs.
- COUNT XV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents, on behalf of all Plaintiffs.
- COUNT XVI – 18 U.S.C. § 1962(a)-(d) – Civil RICO, on behalf of all Plaintiffs.
- COUNT XVII – Trespass, on behalf of all Plaintiffs asserting claims for property damage and economic injuries.
- COUNT XVIII – Violations of international law, on behalf of all Plaintiffs.

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<sup>4</sup> See preceding footnote.

<sup>5</sup> The causes of action pursuant to the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1330, are asserted on behalf of Plaintiffs who are Alien Nationals; estates, heirs, and survivors of Alien Nationals who are not themselves U.S. Nationals; Alien Nationals who are members of a putative class represented by such Plaintiffs; subrogated to the rights of Alien Nationals who incurred injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and assignees of Alien Nationals killed or injured in the September 11<sup>th</sup> attacks.

- ***Ashton* Sudan Amended Complaint, ECF No. 6537 (check all causes of actions that apply):**
  - First Cause of Action to Recover for Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
  - Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.
  - Third Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to State Tort Law.
  - Fourth Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to the Alien Tort Claims Act.
  - Fifth Cause of Action for Punitive Damages.
  - Sixth Cause of Action for Property Damage.

### **IDENTIFICATION OF NEW PLAINTIFFS**

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Brady, Joan	New Jersey	U.S. Citizen	John A. Candela	Sister	<i>Bauer action</i> <sup>6</sup> Paragraph 9
2	Mee, Karen A.	New Jersey	U.S. Citizen	John A. Candela	Sister	<i>Bauer action</i> Paragraph 9
3	Mennona, Heidi	New Jersey	U.S. Citizen	David R. Meyer	Daughter	<i>Bauer action</i> Paragraph 15

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<sup>6</sup> *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer action*, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

4	Meyer, Charles	New Jersey	U.S. Citizen	David R. Meyer	Brother	<i>Bauer</i> action Paragraph 15
5	Meyer, Kristine	New Jersey	U.S. Citizen	David R. Meyer	Sister	<i>Bauer</i> action Paragraph 15
6	Meyer, Margaret	New Jersey	U.S. Citizen	David R. Meyer	Wife	<i>Bauer</i> action Paragraph 15
7	Meyer-Fuchs, Dawn	New Jersey	U.S. Citizen	David R. Meyer	Daughter	<i>Bauer</i> action Paragraph 15
8	Montanaro, Est. of Frank	New York	U.S. Citizen	Kristen L. Montanaro	Father	<i>Bauer</i> action Paragraph 24
9	Montanaro, Jamie	New York	U.S. Citizen	Kristen L. Montanaro	Sister	<i>Bauer</i> action Paragraph 24
10	Montanaro, Karen	New York	U.S. Citizen	Kristen L. Montanaro	Sister	<i>Bauer</i> action Paragraph 24
11	Murphy, Beth K.	New York	U.S. Citizen	Kevin Murphy	Wife	<i>Bauer</i> action Paragraph 11
12	Murphy, Caitlyn B.	New York	U.S. Citizen	Kevin Murphy	Daughter	<i>Bauer</i> action Paragraph 11
13	Murphy, Connor J.	New York	U.S. Citizen	Kevin Murphy	Son	<i>Bauer</i> action Paragraph 11
14	Murphy, John F.	Massachusetts	U.S. Citizen	Kevin Murphy	Brother	<i>Bauer</i> action Paragraph 11
15	Murphy, Michael J.	Ohio	U.S. Citizen	Kevin Murphy	Brother	<i>Bauer</i> action Paragraph 11
16	Murphy, Jr., Est. of Timothy F.	North Carolina	U.S. Citizen	Kevin Murphy	Father	<i>Bauer</i> action Paragraph 11
17	Murphy, Timothy P.	New York	U.S. Citizen	Kevin Murphy	Brother	<i>Bauer</i> action Paragraph 11
18	Nebbia, Jean	Florida	U.S. Citizen	Steven F. Schlag	Sister	<i>Bauer</i> action Paragraph 10
19	Orsini, Arlene	New Jersey	U.S. Citizen	Ronald Orsini	Wife	<i>Bauer</i> action Paragraph 17
20	Orsini, Est. of Robert	Nevada	U.S. Citizen	Ronald Orsini	Brother	<i>Bauer</i> action Paragraph 17
21	Pandolfi, Danielle	New Jersey	U.S. Citizen	Ronald Orsini	Daughter	<i>Bauer</i> action Paragraph 17
22	Parris, Aubrey	New York	U.S. Citizen	Colin Bonnett	Father	<i>Bauer</i> action Paragraph 6
23	Passarettta, Pamela	Wash., D.C.	U.S. Citizen	Adam J. Lewis	Sister	<i>York</i> action <sup>7</sup> Paragraph 7
24	Penavic, Suzanne J.	New York	U.S. Citizen	Joseph Sisolak	Wife	<i>Bauer</i> action Paragraph 54
25	Powell, Anna J.	New York	U.S. Citizen	Joseph Sisolak	Mother	<i>Bauer</i> action Paragraph 54

<sup>7</sup> *York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN), herein referred to as *York* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

Dated: February 2, 2021

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

/s/ Dorothea M. Capone  
COUNSEL FOR PLAINTIFFS  
140 Broadway, 46<sup>th</sup> Floor  
New York, NY 10005  
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Email: [tcapone@baumeisterlaw.com](mailto:tcapone@baumeisterlaw.com)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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03-MDL-1570 (GBD)(SN)

In Re:

TERROR ATTACKS ON  
SEPTEMBER 11, 2001

**SUDAN NOTICE  
OF AMENDMENT**

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This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN)  
*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN)  
*York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN)

Plaintiffs file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, ECF No. 3237, as permitted and approved by the Court's Order of December 1, 2020, ECF No. 6547. Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the "New Plaintiffs") as plaintiffs raising claims against the Republic of the Sudan. The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand, as indicated below, of (a) the Consolidated Amended Complaint as to the Republic of the Sudan ("SCAC"), ECF No. 6539, or (b) the *Ashton* Amended Complaint as to Sudan Defendant in *Ashton v. the Republic of the Sudan*, No. 02-cv-6977, ECF No. 6537 (in 03-md-1570)(hereinafter, the "*Ashton* Sudan Amended Complaint"), as well as all causes of action specified below. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint. This Notice of Amendment relates solely to the Republic of Sudan and not apply to any other defendant.

Upon filing this Sudan Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as

specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

## CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

- Consolidated Amended Complaint as to the Republic of the Sudan (“SCAC”), ECF N. 6539 (check all causes of action that apply):**
- COUNT I – Claims under Section 1605A(c) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>1</sup>
- COUNT II – Claims under Sections 1605A(d) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(d), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>2</sup>
- COUNT III – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA), on behalf of all “U.S. National” Plaintiffs.<sup>3</sup>
- COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(a), on behalf of all “U.S. National” Plaintiffs.

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<sup>1</sup> Section 1605A of the Foreign Sovereign Immunities Act grants a right of action to (1) nationals of the United States, (2) members of the armed forces, (3) employees of the U.S. government (including individuals performing a contract awarded by the U.S. government) acting within the scope of employment, and legal representatives of persons described in (1), (2), or (3).

<sup>2</sup> See preceding footnote.

<sup>3</sup> The causes of action pursuant to the ATA, 18 U.S.C. § 2331 et seq., are asserted on behalf of Plaintiffs who are U.S. Nationals; estates, heirs, and survivors of U.S. Nationals; U.S. Nationals who are members of a putative class represented by such Plaintiffs; Plaintiffs who are subrogated to the rights of U.S. Nationals who incurred physical injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks. The term “U.S. National Plaintiffs” in the context claims under JASTA or the ATA refers to all such parties.

- COUNT V – Committing actions of international terrorism in violation of 18 U.S.C. § 2333, on behalf of all “U.S. National” Plaintiffs.<sup>4</sup>
- COUNT VI – Wrongful death, on behalf of all Plaintiffs bringing Wrongful Death claim.
- COUNT VII – Negligence, on behalf of all Plaintiffs.
- COUNT VIII – Survival, on behalf of all Plaintiffs bring wrongful death claims.
- COUNT IX – Alien Tort Claims Act, on behalf of all Alien National Plaintiffs.<sup>5</sup>
- COUNT X – Assault and Battery, on behalf of all Plaintiffs bringing wrongful death and personal injury claims.
- COUNT XI – Conspiracy, on behalf of all Plaintiffs.
- COUNT XII – Negligent and/or intentional infliction of emotional distress on behalf of all Plaintiffs.
- COUNT XIV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Supervising Employees and Agents, on behalf of all Plaintiffs.
- COUNT XV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents, on behalf of all Plaintiffs.
- COUNT XVI – 18 U.S.C. § 1962(a)-(d) – Civil RICO, on behalf of all Plaintiffs.
- COUNT XVII – Trespass, on behalf of all Plaintiffs asserting claims for property damage and economic injuries.
- COUNT XVIII – Violations of international law, on behalf of all Plaintiffs.

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<sup>4</sup> See preceding footnote.

<sup>5</sup> The causes of action pursuant to the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1330, are asserted on behalf of Plaintiffs who are Alien Nationals; estates, heirs, and survivors of Alien Nationals who are not themselves U.S. Nationals; Alien Nationals who are members of a putative class represented by such Plaintiffs; subrogated to the rights of Alien Nationals who incurred injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and assignees of Alien Nationals killed or injured in the September 11<sup>th</sup> attacks.

- ***Ashton* Sudan Amended Complaint, ECF No. 6537 (check all causes of actions that apply):**
  - First Cause of Action to Recover for Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
  - Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.
  - Third Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to State Tort Law.
  - Fourth Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to the Alien Tort Claims Act.
  - Fifth Cause of Action for Punitive Damages.
  - Sixth Cause of Action for Property Damage.

### **IDENTIFICATION OF NEW PLAINTIFFS**

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Presto, Jane	New Jersey	U.S. Citizen	Salvatore Zisa	Sister	<i>Bauer</i> action <sup>6</sup> Paragraph 12
2	Price-Salkever, Jennifer	Massachusetts	U.S. Citizen	Jean H. Peterson	Daughter	<i>Bauer</i> action Paragraph 34

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<sup>6</sup> *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

3	Rachko, Barbara	Virginia	U.S. Citizen	Bryan C. Jack	Wife	<i>Bauer action</i> Paragraph 40
4	Reller, Teresa	New York	U.S. Citizen	Joseph Sisolak	Sister	<i>Bauer action</i> Paragraph 54
5	Robb, Ellen	New Jersey	U.S. Citizen	Kristen L. Montanaro	Mother	<i>Bauer action</i> Paragraph 24
6	Rooney, Brendan	New York	U.S. Citizen	Sean Rooney	Brother	<i>Bauer action</i> Paragraph 51
7	Rooney, Brian	Texas	U.S. Citizen	Sean Rooney	Brother	<i>Bauer action</i> Paragraph 51
8	Rooney, Maura	New York	U.S. Citizen	Sean Rooney	Sister	<i>Bauer action</i> Paragraph 51
9	Rooney, Est. of Rosemary	New York	U.S. Citizen	Sean Rooney	Mother	<i>Bauer action</i> Paragraph 51
10	Rooney, Sheila	New York	U.S. Citizen	Sean Rooney	Sister	<i>Bauer action</i> Paragraph 51
11	Ryan, Sally F.	North Carolina	U.S. Citizen	Kevin Murphy	Mother	<i>Bauer action</i> Paragraph 11
12	Sanders, John	Connecticut	U.S. Citizen	Stacey Sanders	Father	<i>Bauer action</i> Paragraph 33
13	Sanders, Marth L.	Connecticut	U.S. Citizen	Stacey Sanders	Mother	<i>Bauer action</i> Paragraph 33
14	Santorelli, Filomena Grace	New Jersey	U.S. Citizen	Vincenzo Gallucci	Sister	<i>Bauer action</i> Paragraph 16
15	Saslow, June	North Carolina	U.S. Citizen	Joseph J. Keller	Mother	<i>Bauer action</i> Paragraph 36
16	Scales, Jacqueline	New Jersey	U.S. Citizen	Jack L. D'Ambrosi, Jr.	Daughter	<i>Bauer action</i> Paragraph 21
17	Schlag, Dakota	Utah	U.S. Citizen	Steven F. Schlag	Son	<i>Bauer action</i> Paragraph 10
18	Schlag, Est. of Donald	New Jersey	U.S. Citizen	Steven F. Schlag	Father	<i>Bauer action</i> Paragraph 10
19	Schlag, Garrett M.	Utah	U.S. Citizen	Steven F. Schlag	Son	<i>Bauer action</i> Paragraph 10
20	Schlag, Patricia	New Jersey	U.S. Citizen	Steven F. Schlag	Mother	<i>Bauer action</i> Paragraph 10
21	Schlag, Sierra	Utah	U.S. Citizen	Steven F. Schlag	Daughter	<i>Bauer action</i> Paragraph 10
22	Schlag, Tomoko	Utah	U.S. Citizen	Steven F. Schlag	Wife	<i>Bauer action</i> Paragraph 10
23	Sherwood, Grace P.	Maine	U.S. Citizen	Jean H. Peterson	Daughter	<i>Bauer action</i> Paragraph 34
24	Sisolak, Est. of Paul	New York	U.S. Citizen	Joseph Sisolak	Father	<i>Bauer action</i> Paragraph 54
25	Sisolak, Est of Thomas	New York	U.S. Citizen	Joseph Sisolak	Brother	<i>Bauer action</i> Paragraph 54

Dated: February 2, 2021

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

/s/ Dorothea M. Capone  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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03-MDL-1570 (GBD)(SN)

In Re:

TERROR ATTACKS ON  
SEPTEMBER 11, 2001

**SUDAN NOTICE  
OF AMENDMENT**

-----X

This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN)

*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN)

*York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN)

Plaintiffs file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, ECF No. 3237, as permitted and approved by the Court's Order of December 1, 2020, ECF No. 6547. Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the "New Plaintiffs") as plaintiffs raising claims against the Republic of the Sudan. The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand, as indicated below, of (a) the Consolidated Amended Complaint as to the Republic of the Sudan ("SCAC"), ECF No. 6539, or (b) the *Ashton* Amended Complaint as to Sudan Defendant in *Ashton v. the Republic of the Sudan*, No. 02-cv-6977, ECF No. 6537 (in 03-md-1570)(hereinafter, the "*Ashton* Sudan Amended Complaint"), as well as all causes of action specified below. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint. This Notice of Amendment relates solely to the Republic of Sudan and not apply to any other defendant.

Upon filing this Sudan Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as

specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

## CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

- Consolidated Amended Complaint as to the Republic of the Sudan (“SCAC”), ECF N. 6539 (check all causes of action that apply):**
  - COUNT I – Claims under Section 1605A(c) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>1</sup>
  - COUNT II – Claims under Sections 1605A(d) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(d), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>2</sup>
  - COUNT III – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA), on behalf of all “U.S. National” Plaintiffs.<sup>3</sup>
  - COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(a), on behalf of all “U.S. National” Plaintiffs.

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<sup>1</sup> Section 1605A of the Foreign Sovereign Immunities Act grants a right of action to (1) nationals of the United States, (2) members of the armed forces, (3) employees of the U.S. government (including individuals performing a contract awarded by the U.S. government) acting within the scope of employment, and legal representatives of persons described in (1), (2), or (3).

<sup>2</sup> See preceding footnote.

<sup>3</sup> The causes of action pursuant to the ATA, 18 U.S.C. § 2331 et seq., are asserted on behalf of Plaintiffs who are U.S. Nationals; estates, heirs, and survivors of U.S. Nationals; U.S. Nationals who are members of a putative class represented by such Plaintiffs; Plaintiffs who are subrogated to the rights of U.S. Nationals who incurred physical injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks. The term “U.S. National Plaintiffs” in the context claims under JASTA or the ATA refers to all such parties.

- COUNT V – Committing actions of international terrorism in violation of 18 U.S.C. § 2333, on behalf of all “U.S. National” Plaintiffs.<sup>4</sup>
- COUNT VI – Wrongful death, on behalf of all Plaintiffs bringing Wrongful Death claim.
- COUNT VII – Negligence, on behalf of all Plaintiffs.
- COUNT VIII – Survival, on behalf of all Plaintiffs bring wrongful death claims.
- COUNT IX – Alien Tort Claims Act, on behalf of all Alien National Plaintiffs.<sup>5</sup>
- COUNT X – Assault and Battery, on behalf of all Plaintiffs bringing wrongful death and personal injury claims.
- COUNT XI – Conspiracy, on behalf of all Plaintiffs.
- COUNT XII – Negligent and/or intentional infliction of emotional distress on behalf of all Plaintiffs.
- COUNT XIV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Supervising Employees and Agents, on behalf of all Plaintiffs.
- COUNT XV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents, on behalf of all Plaintiffs.
- COUNT XVI – 18 U.S.C. § 1962(a)-(d) – Civil RICO, on behalf of all Plaintiffs.
- COUNT XVII – Trespass, on behalf of all Plaintiffs asserting claims for property damage and economic injuries.
- COUNT XVIII – Violations of international law, on behalf of all Plaintiffs.

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<sup>4</sup> See preceding footnote.

<sup>5</sup> The causes of action pursuant to the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1330, are asserted on behalf of Plaintiffs who are Alien Nationals; estates, heirs, and survivors of Alien Nationals who are not themselves U.S. Nationals; Alien Nationals who are members of a putative class represented by such Plaintiffs; subrogated to the rights of Alien Nationals who incurred injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and assignees of Alien Nationals killed or injured in the September 11<sup>th</sup> attacks.

- ***Ashton* Sudan Amended Complaint, ECF No. 6537 (check all causes of actions that apply):**
  - First Cause of Action to Recover for Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
  - Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.
  - Third Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to State Tort Law.
  - Fourth Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to the Alien Tort Claims Act.
  - Fifth Cause of Action for Punitive Damages.
  - Sixth Cause of Action for Property Damage.

### **IDENTIFICATION OF NEW PLAINTIFFS**

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Smith, Elizabeth	New York	U.S. Citizen	Daniel L. Smith	Daughter	<i>Ashton</i> 5 <sup>th</sup> Amended <sup>6</sup>
2	Smith, Mary	New York	U.S. Citizen	Daniel L. Smith	Wife	<i>Ashton</i> 5 <sup>th</sup> Amended
3	Smith, McCarthy	New York	U.S. Citizen	Daniel L. Smith	Brother	<i>Ashton</i> 5 <sup>th</sup> Amended

<sup>6</sup> Smith Plaintiff was added to *Ashton* 5<sup>th</sup> Amended Consolidated Master Complaint filed on 09/02/2004, page 4, ECF No. 447.

4	Smith, Michael	New York	U.S. Citizen	Daniel L. Smith	Son	<i>Ashton</i> 5 <sup>th</sup> Amended
5	Smith, Sean P.	Texas	U.S. Citizen	Daniel L. Smith	Brother	<i>Ashton</i> 5 <sup>th</sup> Amended
6	Speller, Valerie	Connecticut	U.S. Citizen	John A. Candela	Sister	<i>Bauer</i> action <sup>7</sup> Paragraph 9
7	Spordone, Dayna	New York	U.S. Citizen	Milton Bustillo	Step-Daughter	<i>Bauer</i> action Paragraph 29
8	Spordone-Bustillo, Laura	New York	U.S. Citizen	Milton Bustillo	Wife	<i>Bauer</i> action Paragraph 29
9	Stang, Barbara	New Jersey	U.S. Citizen	Ronald E. Orsini	Sister	<i>Bauer</i> action Paragraph 17
10	Stover, Catherine A.	New Jersey	U.S. Citizen	Jean H. Peterson	Daughter	<i>Bauer</i> action Paragraph 34
11	Strong, Elsa G.	New York	U.S. Citizen	Linda K. Gronlund	Sister	<i>Bauer</i> action Paragraph 38
12	Tanner, Giana	New Jersey	U.S. Citizen	Michael Tanner	Daughter	<i>Bauer</i> action Paragraph 25
13	Tanner, Kenneth C.	Florida	U.S. Citizen	Michael Tanner	Brother	<i>Bauer</i> action Paragraph 25
14	Tanner, Est. of Mary	New Jersey	U.S. Citizen	Michael Tanner	Mother	<i>Bauer</i> action Paragraph 25
15	Tanner, Michele	New Jersey	U.S. Citizen	Michael Tanner	Wife	<i>Bauer</i> action Paragraph 25
16	Tanner-D'Ambrosio, Nicole	New Jersey	U.S. Citizen	Michael Tanner	Sister	<i>Bauer</i> action Paragraph 25
17	Tanz, Holly A.	New York	U.S. Citizen	Howard Kane	Sister	<i>Bauer</i> action Paragraph 53
18	Tarantino, Jason J.	New Jersey	U.S. Citizen	Kenneth Joseph Tarantino	Son	<i>York</i> action <sup>8</sup> Paragraph 6
19	Tarantino, Jennifer	New Jersey	U.S. Citizen	Kenneth Joseph Tarantino	Wife	<i>York</i> action Paragraph 6
20	Tarantino, Kenneth James	New Jersey	U.S. Citizen	Kenneth Joseph Tarantino	Son	<i>York</i> action Paragraph 6
21	Torres, Lisa	Arizona	U.S. Citizen	Edward Carlino	Daughter	<i>Bauer</i> action Paragraph 26

<sup>7</sup> *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

<sup>8</sup> *York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN), herein referred to as *York* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

22	Vasel, Amy	New Jersey	U.S. Citizen	Scott Vasel	Wife	<i>Bauer action Paragraph 14</i>
23	Vasel, Est. of Charles	New Jersey	U.S. Citizen	Scott Vasel	Father	<i>Bauer action Paragraph 14</i>
24	Vasel, Est. of Mynda	New Jersey	U.S. Citizen	Scott Vasel	Mother	<i>Bauer action Paragraph 14</i>
25	Vasel, Matthew J.	New Jersey	U.S. Citizen	Scott Vasel	Son	<i>Bauer action Paragraph 14</i>

Dated: February 2, 2021

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

/s/ Dorothea M. Capone  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

03-MDL-1570 (GBD)(SN)

In Re:

TERROR ATTACKS ON  
SEPTEMBER 11, 2001

**SUDAN NOTICE  
OF AMENDMENT**

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This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN)

*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN)

*York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN)

Plaintiffs file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, ECF No. 3237, as permitted and approved by the Court's Order of December 1, 2020, ECF No. 6547. Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the "New Plaintiffs") as plaintiffs raising claims against the Republic of the Sudan. The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand, as indicated below, of (a) the Consolidated Amended Complaint as to the Republic of the Sudan ("SCAC"), ECF No. 6539, or (b) the *Ashton* Amended Complaint as to Sudan Defendant in *Ashton v. the Republic of the Sudan*, No. 02-cv-6977, ECF No. 6537 (in 03-md-1570)(hereinafter, the "*Ashton* Sudan Amended Complaint"), as well as all causes of action specified below. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint. This Notice of Amendment relates solely to the Republic of Sudan and not apply to any other defendant.

Upon filing this Sudan Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as

specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

## CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

- Consolidated Amended Complaint as to the Republic of the Sudan (“SCAC”), ECF N. 6539 (check all causes of action that apply):**
- COUNT I – Claims under Section 1605A(c) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>1</sup>
- COUNT II – Claims under Sections 1605A(d) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(d), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>2</sup>
- COUNT III – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA), on behalf of all “U.S. National” Plaintiffs.<sup>3</sup>
- COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(a), on behalf of all “U.S. National” Plaintiffs.

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<sup>1</sup> Section 1605A of the Foreign Sovereign Immunities Act grants a right of action to (1) nationals of the United States, (2) members of the armed forces, (3) employees of the U.S. government (including individuals performing a contract awarded by the U.S. government) acting within the scope of employment, and legal representatives of persons described in (1), (2), or (3).

<sup>2</sup> See preceding footnote.

<sup>3</sup> The causes of action pursuant to the ATA, 18 U.S.C. § 2331 et seq., are asserted on behalf of Plaintiffs who are U.S. Nationals; estates, heirs, and survivors of U.S. Nationals; U.S. Nationals who are members of a putative class represented by such Plaintiffs; Plaintiffs who are subrogated to the rights of U.S. Nationals who incurred physical injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks. The term “U.S. National Plaintiffs” in the context claims under JASTA or the ATA refers to all such parties.

- COUNT V – Committing actions of international terrorism in violation of 18 U.S.C. § 2333, on behalf of all “U.S. National” Plaintiffs.<sup>4</sup>
- COUNT VI – Wrongful death, on behalf of all Plaintiffs bringing Wrongful Death claim.
- COUNT VII – Negligence, on behalf of all Plaintiffs.
- COUNT VIII – Survival, on behalf of all Plaintiffs bring wrongful death claims.
- COUNT IX – Alien Tort Claims Act, on behalf of all Alien National Plaintiffs.<sup>5</sup>
- COUNT X – Assault and Battery, on behalf of all Plaintiffs bringing wrongful death and personal injury claims.
- COUNT XI – Conspiracy, on behalf of all Plaintiffs.
- COUNT XII – Negligent and/or intentional infliction of emotional distress on behalf of all Plaintiffs.
- COUNT XIV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Supervising Employees and Agents, on behalf of all Plaintiffs.
- COUNT XV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents, on behalf of all Plaintiffs.
- COUNT XVI – 18 U.S.C. § 1962(a)-(d) – Civil RICO, on behalf of all Plaintiffs.
- COUNT XVII – Trespass, on behalf of all Plaintiffs asserting claims for property damage and economic injuries.
- COUNT XVIII – Violations of international law, on behalf of all Plaintiffs.

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<sup>4</sup> See preceding footnote.

<sup>5</sup> The causes of action pursuant to the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1330, are asserted on behalf of Plaintiffs who are Alien Nationals; estates, heirs, and survivors of Alien Nationals who are not themselves U.S. Nationals; Alien Nationals who are members of a putative class represented by such Plaintiffs; subrogated to the rights of Alien Nationals who incurred injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and assignees of Alien Nationals killed or injured in the September 11<sup>th</sup> attacks.

■ ***Ashton* Sudan Amended Complaint, ECF No. 6537 (check all causes of actions that apply):**

- First Cause of Action to Recover for Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
- Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.
- Third Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to State Tort Law.
- Fourth Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to the Alien Tort Claims Act.
- Fifth Cause of Action for Punitive Damages.
- Sixth Cause of Action for Property Damage.

#### **IDENTIFICATION OF NEW PLAINTIFFS**

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Vasel, Ryan A.	New Jersey	U.S. Citizen	Scott Vasel	Son	<i>Bauer</i> action <sup>6</sup> Paragraph
2	Vulpone, Heather	New Jersey	U.S. Citizen	David R. Meyer	Daughter	<i>Bauer</i> action Paragraph

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<sup>6</sup> *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

3	Wager, Margaret	New Jersey	U.S. Citizen	Scott Johnson	Sister	<i>Bauer</i> action Paragraph
4	Wilson, Melissa	Michigan	U.S. Citizen	Todd M. Beamer	Sister	<i>Bauer</i> action Paragraph
5	Wisniewski, Erica	Florida	U.S. Citizen	Alan L. Wisniewski	Daughter	<i>Bauer</i> action Paragraph
6	Wisniewski, Jessica	New Jersey	U.S. Citizen	Alan L. Wisniewski	Daughter	<i>Bauer</i> action Paragraph
7	Wisniewski, Kathleen	New Jersey	U.S. Citizen	Alan L. Wisniewski	Wife	<i>Bauer</i> action Paragraph
8	Wisniewski, Matthew	New Jersey	U.S. Citizen	Alan L. Wisniewski	Son	<i>Bauer</i> action Paragraph
9	Wisniewski, Est. of Muriel	New Jersey	U.S. Citizen	Alan L. Wisniewski	Mother	<i>Bauer</i> action Paragraph
10	Wyatt, Laura	Connecticut	U.S. Citizen	Stacey Sanders	Sister	<i>Bauer</i> action Paragraph
11	York, Aidan	New Jersey	U.S. Citizen	Kevin P. York	Son	<i>York</i> action <sup>7</sup> Paragraph
12	York, Chiemi	New Jersey	U.S. Citizen	Kevin P. York	Wife	<i>York</i> action Paragraph
13	York, Connor	New Jersey	U.S. Citizen	Kevin P. York	Son	<i>York</i> action Paragraph
14	York, John	Florida	U.S. Citizen	Kevin P. York	Father	<i>York</i> action Paragraph
15	York, Timothy	Arizona	U.S. Citizen	Kevin P. York	Brother	<i>York</i> action Paragraph
16	Zisa, Anthony	New York	U.S. Citizen	Salvatore Zisa	Brother	<i>Bauer</i> action Paragraph
17	Zisa, Christina	New York	U.S. Citizen	Salvatore Zisa	Daughter	<i>Bauer</i> action Paragraph
18	Zisa, Est. of Joseph	New Jersey	U.S. Citizen	Salvatore Zisa	Father	<i>Bauer</i> action Paragraph
19	Zisa, Joseph	New York	U.S. Citizen	Salvatore Zisa	Son	<i>Bauer</i> action Paragraph
20	Zisa, Josephine	New Jersey	U.S. Citizen	Salvatore Zisa	Mother	<i>Bauer</i> action Paragraph
21	Zisa, Roseann	New Jersey	U.S. Citizen	Salvatore Zisa	Wife	<i>Bauer</i> action Paragraph

Dated: February 2, 2021

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

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<sup>7</sup> *York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN), herein referred to as *York* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

/s/ Dorothea M. Capone  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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03-MDL-1570 (GBD)(SN)

In Re:

TERROR ATTACKS ON  
SEPTEMBER 11, 2001

**SUDAN NOTICE  
OF AMENDMENT**

-----X

This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN)  
*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN)

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Upon filing this Sudan Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as

specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

## CAUSES OF ACTION

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- COUNT II – Claims under Sections 1605A(d) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(d), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.<sup>2</sup>
- COUNT III – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA), on behalf of all “U.S. National” Plaintiffs.<sup>3</sup>
- COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(a), on behalf of all “U.S. National” Plaintiffs.

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<sup>1</sup> Section 1605A of the Foreign Sovereign Immunities Act grants a right of action to (1) nationals of the United States, (2) members of the armed forces, (3) employees of the U.S. government (including individuals performing a contract awarded by the U.S. government) acting within the scope of employment, and legal representatives of persons described in (1), (2), or (3).

<sup>2</sup> See preceding footnote.

<sup>3</sup> The causes of action pursuant to the ATA, 18 U.S.C. § 2331 et seq., are asserted on behalf of Plaintiffs who are U.S. Nationals; estates, heirs, and survivors of U.S. Nationals; U.S. Nationals who are members of a putative class represented by such Plaintiffs; Plaintiffs who are subrogated to the rights of U.S. Nationals who incurred physical injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks; and Plaintiffs who are assignees of U.S. Nationals killed or injured in the September 11<sup>th</sup> attacks. The term “U.S. National Plaintiffs” in the context claims under JASTA or the ATA refers to all such parties.

- COUNT V – Committing actions of international terrorism in violation of 18 U.S.C. § 2333, on behalf of all “U.S. National” Plaintiffs.<sup>4</sup>
- COUNT VI – Wrongful death, on behalf of all Plaintiffs bringing Wrongful Death claim.
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- COUNT XV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents, on behalf of all Plaintiffs.
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<sup>4</sup> See preceding footnote.

<sup>5</sup> The causes of action pursuant to the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1330, are asserted on behalf of Plaintiffs who are Alien Nationals; estates, heirs, and survivors of Alien Nationals who are not themselves U.S. Nationals; Alien Nationals who are members of a putative class represented by such Plaintiffs; subrogated to the rights of Alien Nationals who incurred injuries to property and related losses as a result of the September 11<sup>th</sup> attacks; and assignees of Alien Nationals killed or injured in the September 11<sup>th</sup> attacks.

- ***Ashton* Sudan Amended Complaint, ECF No. 6537 (check all causes of actions that apply):**
- First Cause of Action to Recover for Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
- Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.
- Third Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to State Tort Law.
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- Fifth Cause of Action for Punitive Damages.
- Sixth Cause of Action for Property Damage.

### **IDENTIFICATION OF NEW PLAINTIFFS**

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Bharvaney, Est. of Govind	N/A	Thailand	Anil T. Bharvaney	Parent	<i>Bauer</i> <sup>1</sup> action ¶ 27
2	Bharvaney, Kishore	N/A	Thailand	Anil T. Bharvaney	Sibling	<i>Bauer</i> action ¶ 27
3	Bharvaney, Savitri	N/A	Thailand	Anil T. Bharvaney	Parent	<i>Bauer</i> action ¶ 27

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<sup>1</sup> *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the Ashton action in the Ashton First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

Dated: October 20, 2021

Respectfully submitted,

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